



In re Application of By Debra J. Gialster  
Timothy Fowler et al.  
Serial No. 08/876,132 Reg. No. 33,888  
Filed June 23, 1997 Mailed August 27, 1998 8/24/98  
Docket No. GC372 Certificate of Mailing  
The following have been received in the US Patent Office  
on the date stamped:  
Transmittal letter - 3 copies  
Petition to Withdraw the Holding of Abandonment  
Bisected to M.P.E.P. Section 711.02(a) with 3 attachments - 3 copies  
Request for Corrected Official Filing Receipt - 3 copies  
Change of Address - original  
Response to Notice of Missing Parts - 3 copies  
Form 133  
1000-cited Declaration - original  
Preliminary Amendment - original  
Paper Sequence Listings (4 pages) - original  
One diskette  
Statement of Sameness - original  
Information Disclosure Statement - 3 copies  
PTO-1449 including eleven references - originals

AUG 27 1998

O I P E



*Petition to Withdraw RFD*  
withdraw holding

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

Date: August 24, 1998

By:



Kay L. Gaviglio

PATENT  
Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of )  
Timothy Fowler et al. ) Group Art Unit: 1802  
Serial No. 08/876,132 )  
Filed: June 23, 1997 ) Examiner: Unassigned  
For: Improved *Enterobacteriaceae* )  
Fermentation Strains )

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT PURSUANT  
TO M.P.E.P. SECTION 711.02 (a)

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants believe that the above-identified application has been abandoned since December 6, 1997, due to non-response to a Notice to File Missing Parts mailed September 5, 1997. Applicants submit that the Notice to File Missing Parts was not mailed to their current mailing address and therefore, Applicants were unable to respond to the Notice. Accordingly, Applicants Petition to Withdraw the Holding of Abandonment.

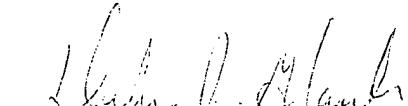
The above-identified patent application was filed on June 23, 1997. After a six month period, no other communication on the above-identified application was ever received by Applicants. On January 27, 1998, Applicants submitted a Request for Status of the Application to which a response was never received, see Attachment 1. On May 13, 1998, our Washington Associates, Landon & Stark, inspected the USPTO prosecution file and found the Notice to File Missing Parts mailed September 5, 1997 which had the former business address (180 Kimball Way, South San Francisco, CA

94080) for Applicants' employer, Genencor International, Inc., see the Notice to File Missing Parts, see Attachment 2. Applicants note that the misaddress of the Notice occurred even though Applicant's correct business address at 925 Page Mill Road, Palo Alto, CA 94034, was apparent on the patent application transmittal letter, see Attachment 3. Applicants submit that because the Notice was misaddressed, they never received the Notice and could not have responded. Therefore, Applicants Petition for a withdrawal of the Notice of Abandonment of the above-identified patent application.

The Commissioner is hereby authorized to charge the fees necessitated by the filing of these documents, or to charge any additional fees under 37 C.F.R. 1.16 and 1.17 or to credit any overpayment, to Deposit Account No. 07-1048. This communication is submitted in triplicate for USPTO accounting purposes.

Respectfully submitted,

Date: August 24, 1998

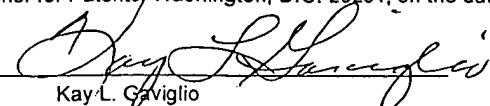
  
Debra J. Glaister  
Registration No. 33,888

Genencor International, Inc.  
925 Page Mill Road  
Palo Alto, CA 94304  
Tel: 650-846-7620  
Fax: 650-845-6504

I hereby certify that this correspondence is being deposited with the US Postal Service with sufficient postage as First Class Mail in an envelope addressed to the Assistant Commissioner for Patents/Washington, D.C. 20231, on the date shown below.

Date: January 27, 1998

By:

  
Kay L. Gaviglio

PATENT  
Docket No. GC372

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Timothy Fowler et al. ) Group Art Unit: Unassigned  
Serial No. Unknown )  
Filed: June 23, 1997 )  
For: Improved *Enterobacteriaceae* ) Examiner: Unassigned  
Fermentation Strains. )

Requesting Status of Application

Assistant Commissioner for Patents  
Washington, DC 20231

Dear Sir:

On June 23, 1997, the above application was filed in the Patent and Trademark Office via United States Postal Service's Express Mail.

Enclosed please find a copy of the Express Mail Receipt No. EM096172282US dated June 23, 1997, and a copy of the transmittal letter that accompanied the application.

Please provide status of the application.

Respectfully submitted,

  
Debra J. Glaister  
Registration No. 33,888

Date: January 27, 1998

Genencor International, Inc.  
925 Page Mill Road



APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	DOCKET NO. / FILE
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08/877,132 06/23/97

DEBRA J. GLAISTER  
GENENCOR INTERNATIONAL  
180 KIMBALL WAY  
SOUTH SAN FRANCISCO CA

NOT ASSIGNED

DATE MAILED:

1802

09/05/97

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
*Filing Date Granted*

An Application Number and Filing Date have been assigned to this application. However, the items indicated below are missing. The required items and fees identified below must be timely submitted ~~ALONG WITH THE PAYMENT OF A SURCHARGE~~ for items 1 and 3-6 only of \$ 430 for a  large entity  small entity in compliance with 37 CFR 1.27. The surcharge is set forth in 37 CFR 1.16(e). Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required above to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

*If all required items on this form are filed within the period set above, the total amount owed by applicant as a  large entity  small entity (verified statement filed), is \$ 430.*

1. The statutory basic filing fee is:

missing.  
 insufficient.

*Applicant must submit \$ 430 to complete the basic filing fee and/or file a verified small entity statement claiming such status (37 CFR 1.27).*

2. Additional claim fees of \$ 430, including any multiple dependent claim fees, are required.  
*Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.*

3. The oath or declaration:

is missing.  
 does not cover the newly submitted items.  
 does not identify the application to which it applies.  
 does not include the city and state or foreign country of applicant's residence.

*An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.*

4. The signature(s) to the oath or declaration is/are:

missing.  
 by a person other than inventor or person qualified under 37 CFR 1.42, 1.43, or 1.47.

*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

5. The signature of the following joint inventor(s) is missing from the oath or declaration:

*An oath or declaration listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.*

6. A \$ 430 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

7. Your filing receipt was mailed in error because your check was returned without payment.

8. The application does not comply with the Sequence Rules.

*See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."*

9. OTHER:

Direct the response and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the response.**

Docket No. CG372

BOX PATENT APPLICATION  
 Assistant. Commissioner for Patents  
 Washington, DC 20231

Dear Sir:

Transmitted herewith for filing is the patent application of: Timothy Fowler and Stuart Causey  
 For: IMPROVED *ENTEROBACTERIACEAE* FERMENTATION STRAINS

Also enclosed are:

8 Sheets of Informal Drawings; Figs. 1-3  
 Declaration and Power of Attorney -        Executed;  Unexecuted  
 Sequence Listing  
 Computer Readable Sequence Listing  
 Statement of Sameness  
 Information Disclosure Statement

The filing fee has been calculated as shown below:

Claims	Filed	Extra	Rate	Basic Fee \$ 770
Total	20 - 20 =	-0-	X \$ 22	-0-
Independent Claims	5 - 03 =	2	X \$ 80	\$160
<input type="checkbox"/> Multiple Dependent Claim(s)			\$ 250	-0-
TOTAL FEES				\$ 930.00

Please charge \$ 930.00 to Deposit Account 07-1048. This sheet is submitted in duplicate.  
 The Commissioner is hereby authorized to charge payment of the following fees associated with this communication, or credit any overpayment, to Deposit Account 07-1048. This sheet is submitted in duplicate.  
 Any additional fees required under 37 CFR 1.16.  
 Any patent application processing fees under 37 CFR 1.17.  
 The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application, or credit any overpayment, to Deposit Account 07-1048. This sheet is submitted in duplicate.  
 Any patent application processing fees under 37 CFR 1.17.  
 Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,



Debra J. Glaister  
 Reg. No. 33,888

Genencor International, Inc.  
 925 Page Mill Road  
 Palo Alto, CA 94034  
 415/846-7620  
 Date: June 23, 1997

I hereby certify that this correspondence is being deposited with the US Postal Service Express Mail service under 37 CFR 110, Express Mail Label No. EM096172282US addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231 on the date shown below.

Date: June 23, 1997

By: Avis Ridenour

Avis Ridenour